

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*
EVA ZEMPLENYI,

Plaintiffs,

v.

GROUP HEALTH COOPERATIVE, GROUP
HEALTH PERMANENTE, GROUP HEALTH
OPTIONS, INC., KPS HEALTH PLANS, GROUP
HEALTH NORTHWEST, MICHAEL LEE, M.D.,
TERRENCE CLARK, O.D., JOHN DOES 1-20,

Defendants.

No. C09-0603-RSM

NOTE ON MOTION CALENDAR:
January 6, 2010

**UNITED STATES' NOTICE OF ELECTION
TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, as amended, 31 U.S.C. § 3730(b)(4)(B), the United States of America hereby notifies the Court of its decision not to intervene in and take over the above-entitled action.

Because the United States has elected not to intervene, the relator has the right to pursue this action in the name of the United States; however, the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." 31 U.S.C. § 3730(b)(1). Therefore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action also be served upon the United

1 States, and that all Orders issued by the Court be sent to the Government counsel. The United
2 States reserves its right to order any deposition transcripts. It also reserves the right to intervene
3 in this action, for good cause, at a later date.

4 DATED this 6th day of January, 2010.

5 Respectfully submitted,

6 ANTHONY WEST
7 Assistant Attorney General

8 JENNY A. DURKAN
9 United States Attorney
Western District of Washington

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers, and that on January 6, 2010, she caused to be electronically filed the foregoing *Notice of Election to Decline Intervention* and Proposed Order as well as this appended Certificate of Service with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 6th day of January, 2010.

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